

Use Inslee's moratorium to fix law, not stop executions

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Yes, as Gov. Jay Inslee asserted Tuesday, Washington state's death-penalty law has been applied inconsistently and unequally. One need look no further than the case of Gary Ridgway, the Green River Killer who was spared execution for the deaths of 48 women in the 1980s and 1990s. If killing 48 people doesn't warrant capital punishment, what does?

As Inslee noted, what warrants capital punishment depends on the resources available and the inclination of prosecutors to use them. Inslee was quick to cite the high cost of trials and appeals in Tuesday's announcement that he was suspending executions for as long as he was governor. We agree with his diagnosis but not his prescription; his moratorium should buy time for fixing the method of dispensing capital justice, not abolish it by gubernatorial fiat.

Washington's tightly written death-penalty law reserves capital punishment for the worst of the worst, and executions have been used sparingly — only five times since the Legislature reinstated the law in 1981. At present, nine men sit on Death Row in Walla Walla. The most recent execution came in 2010 in the case of Cal Coburn Brown, who died by lethal injection after he was convicted in the 1991 murder of a 21-year-old woman in Burien. The details of the murder are grisly; Brown carjacked the victim at knifepoint, then robbed, raped and tortured her for 36 hours before killing her.

Brown's case highlights Inslee's point about costs; appeals and a change in how the state carried out lethal injections meant 19 years passed between crime and punishment. And Brown's lawyers, not surprisingly, pointed to the case of Ridgway, who killed 47 more people than did Brown.

King County officials deemed it a worthwhile tradeoff to spare Ridgway's life as part of a plea bargain that yielded the names of 41 victims that they would not have obtained otherwise. That was valuable information, true, but information that Ridgway had only because of the sheer enormity of his killing spree. He is serving 48 life sentences with no possibility of parole, plus another 480 years for tampering with evidence.

There will always be — and always should be — vigorous debate about whether the state should have the right to end the life of an individual. The law reflects a political consensus that the state has such a right in extreme circumstances, and the law understands that there is no more solemn duty than taking the life of an individual. And while there are problems with the death penalty, those problems have not translated into wanton overuse and abuse in this state.

A moratorium falls short of a long-term solution. If the concern truly is about equitable justice, the governor's office and the Legislature should look at ways to help counties with their costs so that death-penalty cases are prosecuted on the basis of evidence, not economics. The state also should study how to keep costs in line not only for the prosecution, but for providing legal help to indigent defendants.

Crime and punishment entail many facets, including justice for the defendants, an appropriate punishment for the guilty, closure for the victims and their families, and public satisfaction that justice has been done. Inslee's moratorium is an incomplete step, but it could set into motion the means for improving the criminal justice system — if there's the political will to do so.

- Members of the Yakima Herald-Republic editorial board are Sharon J. Prill, Bob Crider, Frank Purdy and Karen Troianello.